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Tandheem ad-Dawlah and their claim they received Ba'yah from Ahl Hal Wal 'Aqd

The *Ahul Hal Wal 'Aqd* are the those of power, authority and influence over the people. The scholars have stated that they may be the likes of the leaders, scholars, tribal leaders and so on. The purpose of *Ahl Hal Wal 'Aqd* is to gain approval of the people. So the *Ahul Hal Wal 'Aqd* should have sufficient number of people to have acceptance of the Ummah or at least its majority. They are the representatives who represent the Ummah. As we see today, the Ummah has different people across the globe as their different representatives all of whom are obeyed by different sections of the Ummah in different regions. In this case, all of these should be consulted with and made a part of *Ahul Hal Wal 'Aqd*. What really matters is the one who can represent the Ummah and be obeyed by them willingly.

It is necessary that the *Ahlul Hal Wal 'Aqd* should be representatives of the Ummah, and not that they are to be those chosen by so and so council for himself and then named as the people of Shurah. This is the actions of the tyrants and not the way of Khilafah. In the case of ISIS, not a single one of their so called *Ahlul Hal Wal Aqd* is accepted by the Ummah. **In fact the Ummah does not even know them let alone accept them!** This is why their claim of fulfilling the condition of *Ahlul Hal Wal 'Aqd* is rejected. So how can you say they represent you or the Ummah when neither you nor the Ummah knows them. Who are these *Ahlul Hal Wal 'Aqd*?, What is the proof they fulfilled the conditions of being *Ahlul Hal Wal 'Aqd*?, Who are they representing and who chose them to chose (the "Khalifah")?

It is known in the books that none of the Khulafaa Rashidoon became the Imam except with the agreement with *Ahl Hal Wal 'Aqd*, or at least its majority. The establishment of the Imam of the Muslims only occurs when the people of strength and authority agree upon this. Receiving the Ba'yah from *Ahlul Hal Wal 'Aqd* is the very essence of Minhaj Nubuwaa (i.e Methodology of Prophethood), and let none come to claim that they are the Khilafah today (as the Prophet peace be upon him told us would be established again), except that they fulfill this crucial element.

Shaykhul Islam ibn Taymiyyah said:

“As for the Rafidhah, they say that the Imam (leader) after the Messenger of Allah (peace be upon him) Abu Bakr was pledged by ‘Umar with the consent of (only) four. So it’s said to them, this is not the view of the Imams of Ahl Sunnah , even if some of Ahlul Kalaam [philosophers]

say that Imamah (leadership) is conducted by the pledging of four (people), like some of them said: “It’s conducted by the pledge of two (people)”, and some of them said it’s conducted with the pledge of one (person), these are not the statements of the Imams of the Sunnah.

Rather the leadership in their (Imams of Sunnah) view is established with the agreement of the people of strength on it, and the person does not become a leader until the people of strength, through whose obedience to him the objective leadership is reached, agree upon him. For the objective of the leadership is only attained by capability and authority, so if he’s given a pledge whereby capability and authority are reached then he has become an Imam.

The Imamah (leadership) is dominance and authority, **and a person doesn’t become dominant by the agreement of one, two or four (people), except that if the agreement of those entails the agreement of those besides them, thus becoming dominant thereby**.”
“And similarly with ‘Umar, when Abu Bakr appointed him, he only became the Imam when they pledged to him and obeyed him, and if it so happened that they didn’t fulfill the appointment of Abu Bakr and didn’t pledge to him he wouldn’t have been an Imam, regardless of whether that permissible or not”

“And if it happened that ‘Umar and a party with him pledged to him (Abu Bakr) and the rest of the Companions withheld from pledging he wouldn’t become an Imam by that, **rather he only became an Imam through the pledging of the majority of the Companions who are the people of capability and strength.** And due to this the lingering of Sa’d ibn ‘Ubadah brought no harm, because that had no impact in the objective leadership, for the objective is the attainment of capability and authority whereby the benefits of Imamah (leadership) are gained, which were gained by the agreement of the majority”

“So whoever says that he becomes an Imam by the agreement of one, two or four (people) and they aren’t the people of capability and strength then he is mistaken, just like the one who thinks the absence of one, two or ten people is also mistaken”

[*Minhaj as-Sunnah an-Nabawiyyah*, Vol 1, pg. 526-531]

And there are those who claim that it is sufficent that only one, two or three men give Ba'yah for the Khilafah, Abu Nu'aym al-Asbahaani states in his *Tadhbeetul Imaamah wa Tarteebul Khilafah*, pg. 256
“If he says: “As-Siddeeq (Abu Bakr) was only given the pledge by one man, which is that ‘Umar said to him: “Stretch forth your hand I’ll pledge to you”. Then it’s said (to him): ‘Umar didn’t do that **except with knowing of the consent of the Muslims and their uniting upon**

him (Abu Bakr), and (with the knowledge of) their yielding to his opinion and actions. And because of their awareness of his trustworthiness, sincerity & following of the truth. And because tranquility is uttered on the tongue of ‘Umar and his heart, along with what the Prophet (peace be upon hm) taught them, that: “If they obey Abu Bakr and ‘Umar they’ll be guided” and “That they should follow the two after him, Abu Bakr and ‘Umar”.

And it has also been stated, “So whomsoever from the Fuqaha’ said that it (Bay’ah) is concluded by one person from *Ahlul Hal Wal ‘Aqd*, then they require that this person or small number (of people) is expressive of the will of *Ahlul Hal Wal ‘Aqd* and is **representative of their majority**”
[*al-Wajeez fee Fiqh al-Khilafah* pg. 55 by Salah as-Sawi]

So we find that the reality of the matter comes down to the people uniting and coming to agreement of the one who gives Ba'yah on their behalf (i.e the *Ahul Hal Wal 'Aqd* even if it is a few people). The important matter to understand is that the *Ahlul Hal Wal 'Aqd* should have the sufficient number of people to have acceptance of the whole Ummah or at least its majority, as mentioned earlier. The regions, or numbers are not relevant. It may be possible that one single man alone can be the *Ahlul Hal Wal 'Aqd* if the Ummah all accepts and obeys this single person of authority or influence. Clearly, they are the representatives who represent the Ummah. If one man alone is widely accepted by the Ummah, and his decisions will be accepted, then he is sufficient to be from the *Ahlul Hal Wal 'Aqd*. But on the other hand, if the Ummah has different people across the globe as their different representatives all of whom are obeyed through out different regions of the Ummah, then all of these must be consulted and made a part of *Ahlul Hal Wal 'Aqd*. So if there are 20 or 50 scholars and leaders who are obeyed and accepted willingly in different regions of the earth, then all of these 20 or 50 or whatever the number may be, must be consulted.

And Imam al-Ghazzali further addresses this issue when he said, “And that which we choose is that it’s sufficed with one person who concludes the Bay’ah to the Imam **as long as that person is obeyed and of might that’s not overstepped and as long as the masses are inclined towards him** and he’s not opposed except by whom no heed is paid to his opposition, then if that one person who’s followed and obeyed described with this description gives Bay’ah than it’s sufficient **since the masses are in his agreement**”. [*Fadha’ih al-Batiniyyah*, pg. 176-177]

Shaykh Abdullah al-Mohaisny stated in his piece regarding the claim of the Khilafah of ISIS, "However despite all of that we say that the Khilafah we strive for and our necks are struck for, is that which the Prophet (peace be upon him) promised of, which is “Upon the methodology of Prophethood..Anything besides that is forceful rule which the Ummah has grown tired of

and has suffered the anguish of it for decades. Claiming the label of Khilafah without meeting its requirements is teasing the feelings of the Muslims, exploiting their emotions and harming the religion of Allah. The announcement of Khilafah by Jama'at al-Baghdadi isn't the first case, it was announced before them in Algeria, they fought the Ummah, and the West & its agents rejoiced over this hastening before establishment. Two years ago the Khilafah was announced by Abul Banat and those with him in Syria, they demanded the Bay'ah, they isolated themselves from the Shura of the Ummah and ended! A youth in Afghanistan (also) declared the Khilafah, they came out against the Mujahideen, they imposed on the Ummah to pledge to them. They fought, killed and were killed. What has to be taken into consideration isn't raising the slogan of Khilafah, but meeting it's requirements, what has to be in consideration is that it should be on the methodology of Prophethood, or else what did we accomplish?

Dr. Iyaad Qunaaibi mentions,
"Governorship is not a declaration but a description that reflects the ongoing reality. It is not gained by intentions or hopes or claims. Similiarly, is the case with the Grand Imaamah (i.e the Khilafah). It is absolutely impossible for a man to be considered a Khalifah or an Imaam with the supreme leadership unless he has fulfilled the prerequisites of this leadership as to his power and authority over the Muslim community, i.e its masses and great majority. So this is the pre-requisite of the grand Imaamah which is different from the rest of the emirates. And every leader who does not have this authority and such power, then his authority is not that of the supreme leader or a Khilafah even if he claimed it a thousand times. So names and terminologies are decided by the scenario and not the opposite. In fact any authority can turn into supreme leadership and Khilafah if if it fulfills its conditions and scenarios even if those in authority do not call it an Imaamah or Khilafah. Similarly, the opposite may happen. Any of those having any authority can call their leadership as Khilafah and describe their leader with the grand Imaamah but that does not become so. And history is filled with it. So names do not change the reality of objects, but the actual authority and its capacity is what decides."

To conclude and review this matter, we will raise a few points.

• The Purpose of *Ahlul Hal Wal 'Aqd* is to gain acceptance of the Ummah and its obedience. So has the Ummah obeyed the leadership of ISIS or are the majority against them? How can we say ISIS Shurah represent the Ummah when majority of the Ummah are against them?
• The purpose of *Ahlul Hal Wal 'Aqd* is to get the Ummah united under one leadership. So has the Ummah united under them? In fact, not only has the Ummah turned against them, ISIS has brought in such a huge split in the Ummah that didn't exist before. They have split even the ranks of the Mujahideen through out the earth and killed their leaders and soldiers. So how can we call it *Ahlul Hal Wal 'Aqd* when instead of unity, they have split the ranks of the Ummah and the Mujahideen?

• *Ahlul Hal Wal 'Aqd* is for the leader to gain strength and power in his leadership. So that is why they need acceptance and support of the people since it is the people who are his strength and power. So has ISIS leadership gained support and strength from the Ummah or have they created more enemies than they even had just before their declaration?
• If one says that they are obeyed in Iraq, that does mean that they are the *Ahlul Hal Wal 'Aqd* because even tyrants are obeyed by the people due to fear like the case of Hajjaj, who was obeyed and just like our rulers of today who are obeyed in fear. So such obedience does not mean that they are *Ahlul Hal Wal 'Aqd*. Instead they must be those who are obeyed willingly by the masses.

The leader of ISIS even before declaring a Khilafah, was already a leader and a position of authority in Iraq before this declaration of Khilafah. And he was not made a leader by the people but his own group. Once his followers chose him as a leader, they forced his authority on all the others who have never even heard of him. In Fiqh, such a ruler is known as Imam Mutaghaalib or the one who asserts power by force. The difference between Imam Mutaghaalib and the one who is chosen by *Ahlul Hal Wal 'Aqd* is that in the former he is obeyed under compulsion and fear but in the later the obedience is willingly. So in the case of ISIS, obedience under them is forced in the people if they are under their authority. Otherwise they are not obeyed in the bulk majority of the Ummah. All that is against the very definition and purpose of *Ahlul Hal Wal 'Aqd*. All this proves beyond doubt that no *Ahlul Hal Wal 'Aqd* has chosen them nor are they the ones representing the Ummah.

And Allah knows best.